

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16543 of 2011

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Anju Kumari D/O Sh. Vidya Nand Singh , resident of Chelsi Bhawan,
South to Sir Ganesh Datta Memorial College, Raghunath Path, R.P.S. Mor,
Baily Road, P.S.- Rupaspur, Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Water Resources, Government of Bihar, Sinchai Bhawan, Old Secretariat, Patna
3. The Additional Secretary, Department of Water Resources, Government of Bihar, Sinchai Bhawan, Old Secretariat, Patna
4. The Director, Water and Land Management Institute, Valmi Phulwarisarif, Patna
5. Ravindra Prasad S/O not known to petitioner, resident of Village Madhepura, Post- Belav, P.S.- Barbigha, Distt.- Sheikhpura, presently Resident Quarter No. F2/7, Valmi Complex, Phulwarisharif, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Adv.

For the Respondent/s : Mr. AC to GA-5

Mr. Harshvardhan Shivsundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 10-05-2016 Heard Sri Ashok Kumar Choudhary, learned counsel for the petitioner, learned AC to GA-5 as well as Sri Harshvardhan Shivsundaram, learned counsel, who has appeared on behalf of Respondent no.4/ Water and Land Management Institute, Valmi Phulwarisarif, Patna .

The petitioner has approached this Court, invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash an office order no.119/10 dated 11.03.2011 whereby a common appointment letter of nine persons including



Respondent no.5, was issued against various Class-IV posts. It has been claimed that pursuant to advertisement, the petitioner participated in the selection process, however, subsequently the marks of interview in respect of Respondent no.5 was enhanced and, thereafter, he was shown selected as Daftari-cum-Treasury Guard. On the ground of making such allegation, earlier this Court had directed the Respondent no.4/Director, Water and Land Management Institute, Valmi Phulwarisarif, Patna was directed to appear in person along with record. In compliance of the said order, the Respondent no.4 had appeared and produced the original record, which has been kept on record.

I have perused the record and after going through the record, the Court is satisfied that even if the appointment of Respondent no.5 is cancelled, the petitioner may not be accommodated due to the reason that in the list, there was another candidate also against the post of Daftari-cum- Treasury Guard, who secured more marks than the petitioner. Accordingly, I do not find any ground to pass any positive order. Fact remains that Respondent no.5 was a daily-wager in the office of Respondent no.4 and earlier number of writ petitions were filed for regularisation and finally as per direction of the Hon'ble Apex Court, steps were taken for fresh appointment giving age

relaxation of the daily-wagers. Respondent no.5 was also a daily-wager.

In view of facts and circumstances, I do not find any ground to pass favourable order. The writ petition stands disposed of.

Let the record, which was produced earlier by the Director, Water and Land Management Institute, Valmi Phulwarisarif, Patna be handed over to Sri Harshvardhan Shivsundaram, learned counsel for Respondent no.4.

(Rakesh Kumar, J)

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